HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.4861 OF 2006

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Between:

B.Venkatesh.

..... Petitioner

AND

The District Collector,

Mahabubnagar and 7 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri Kusuri Satyanarayana

Counsel for Respondent Nos. 1,2 & 4 : Government Pleader for Revenue

Counsel for Respondent No. 3 : Sri Polisetti Radha Krishna

Counsel for Respondent Nos.5 & 6 : Sri D.Seshadri Naidu

Counsel for Respondent Nos.7 & 8 : None appeared.

Dated 13/3/2006

Per Sri G.S.Singhvi, CJ

This petition by Sri B.Venkatesh, aged about 23 years, resident of H.No.7-5-101/25, Chintalpet locality, Gadwal, Mahabubnagar District is yet another illustration of the abuse of the process of this Court in the name of public interest litigation.

A perusal of the record shows that the petitioner has styled himself as champion of the public cause and prayed for nullifying the action of the official respondents in considering the grant of permission to Respondent No.8 to establish a petrol pump on a portion of land comprised in survey No.845/B situated within the Gadwal Revenue limits. The case of the petitioner is that the land in dispute is being used as a burial ground for the last 40 years but by claiming himself to be the owner of the disputed land, respondent No.7 has leased out a portion thereof to respondent No.8 who has been granted permission by the concerned authorities to establish a petrol pump.

In the context of the averments contained in the affidavit filed by the petitioner, we asked the learned counsel Sri K.Satyanarayana to substantiate his client's claim

regarding transfer of land by respondent No.7 to respondent No.8 and grant of permission to the latter for establishing the petrol pump, but he could not draw our attention to any document to show that respondent No.7 has leased out a portion of the land comprised in survey No.845/B or that the concerned authorities have granted the requisite licence/permission for establishing the petrol pump.

In our opinion, a person who invokes the jurisdiction of the High Court under Article 226 of the Constitution of India in the name of public interest, owe a duty to the Court as also the public to make all sincere endeavours to discover the material facts and records which have a direct bearing on the issue of public interest. He is duty bound to make efforts to get the relevant documents by making appropriate application to the public authorities and seek intervention of the court only if such documents are not made available within a reasonable time. If a petition is filed without making such efforts, the Court is entitled to draw an inference that the writ petition has been filed as a publicity stunt and not in public interest.

In the case before us, the petitioner has not produced any document which may indicate that respondent No.7 has leased out a portion of the burial ground to respondent No.8 and the latter has been granted permission to establish a petrol pump. Therefore, we do not find any valid ground or justification to entertain his prayer.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

Dt.13/3/2006

G.BHAVANI PRASAD,J

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